

REMARKS

As a first matter with regard to the obviousness rejection Applicants incorporate by reference all remarks made in its responses filed on December 23, 2002 and July 7, 2003.

Applicants have reviewed the Examiner's Response to Arguments beginning on page 2 of the September 5, 2003 Office Action along with the new rejection alleging that claims 1 and 3-15 are obvious over CA 2 101 504 A in view of WO 00/10964, published March 02,2000 and Applicants respectfully traverse these rejections for the reasons previously provided as well as those arguments presented below.

With respect to the Examiner's Response to Arguments with regard to claims 1 and 3 – 15 as allegedly obvious over CA 2 101 504-A in view of WO 00/10964, Applicants note that CA 2 101 504-A discloses:

a coating composition which contains one or more compounds with on average at least two CH-acid hydrogen atoms (corresponding to instantly claimed component B),

A) one or more α,β -unsaturated compounds (corresponding to instantly claimed component A),

B) optionally one or more radically or ionically polymerizable compounds,

C) a first catalyst in the form of a Lewis or Brönsted base (corresponding to instantly claimed component C), and

D) one or more photoinitiators (p. 2, II. 19 – p. 3, I. 18).

Component E consists of customary photoinitiators, such as are used for radical and ionic polymerization (p. 20, II. 10 – 12).

Particularly preferred usable radical initiators are phosphine oxides (p. 20, II. 34 – 36). Photolatent bases are neither mentioned nor suggested as component E in CA 2 101 504-A.

Furthermore, components A, B, C, and E are stored together as binder component 1 and component D is stored as curing agent component 2. This means that components 1 and 2 are stored separately and are only mixed together just before use (p. 21, II. 22 – 28), i.e. two-pot systems.

As to WO 00/10964 (page numbers refer to translation as submitted), it discloses α -ammonium alkenes, iminium alkenes, and amidinium alkenes in the form of their tetraaryl- or triarylalkylborate salts, which split off an amine, imine or amidine group during irradiation with visible light or UV light (p. 1, last paragraph). Said borate salts correspond to the photolatent base (D) according to the instant application.

The photolatent bases of WO 00/10964 enable the preparation of so-called one-pot systems using base-catalyzable oligomers or monomers, which have an extraordinarily high level of storage stability. Polymerization is not triggered until after radiation (p. 2, II. 1 – 3).

A skilled person looking to prepare one-pot systems having a high level of storage stability with the photolatent bases of WO 00/10964, would realize that this advantage can only be reached in the absence of a non-latent base.

Thus, a skilled person looking at the prior art disclosed and suggested in the composition of CA 2 101 504-A would realize that the non-latent Lewis or Brönsted base D would have to be left out, because otherwise the resultant one-pot system would not have a high level of storage stability. Consequently, the skilled person would replace the Lewis or Brönsted base D of CA 2 101 504-A with the photolatent base of WO 00/10964 in order to take advantage of the one-pot system having a high level of storage stability. However, this would again result in the composition of WO 00/10964 and not in the composition according to the current application.

Thus, assuming arguendo that WO 00/10964 provides motivation to replace the non-latent base of CA 2 101 504-A with the photolatent base of WO 00/10964, it does not provide motivation to simply add the photolatent base to the composition of CA 2 101 504-A already comprising a non-latent base, because the skilled person would not expect to achieve the advantage of a one-pot system having a high level of storage stability with such a composition. I.e. One skilled in the art would actually be taught away from the present invention.

Claims 1 and 3 – 15 also stand rejected for alleged obviousness over CA 2 101 504-A in view of WO 98/41524. Applicants respectfully traverse this rejection.

Applicants direct the Examiner to the comments made previously along with the comments made above with regard to CA 2 101 504 A.

With respect to WO 98/41524, it discloses α -amino alkene compounds that may be used as a photolatent base (p. 1, 1st paragraph). The photolatent bases of WO 98/41524 enable the preparation of one-pot systems using base-catalyzable oligomers or monomers having an extremely long storage life. **Polymerization is initiated only after exposure to light** (p. 2, II. 4 – 6).

One skilled in the art looking at WO 98/41524 with respect to one-pot systems having an extremely long storage life with the photolatent bases , would realize that this advantage can only be reached in the absence of a non-latent base.

Thus, as set forth above, a skilled person looking at the prior art disclosed and suggested in the composition of CA 2 101 504-A would realize that the non-latent Lewis or Brönsted base D would have to be left out, because otherwise the resultant one-pot system would not have a high level of storage stability. Consequently, the skilled person would replace the Lewis or Brönsted base D of CA 2 101 504-A with the photolatent base of WO 98/41524 in order to take advantage of a one-pot system having a long storage life. However, this would again result in the composition of WO 98/41524, and not in the composition according to the current application.

Thus, as set forth above with respect to WO 00/10964, assuming arguendo that WO 98/41524 provides motivation to replace the non-latent base of CA 2 101 504-A with the photolatent base of WO 98/41524, it does not provide motivation to simply add the photolatent base to the composition of CA 2 101 504-A already comprising a non-latent base, because the skilled person would not expect to achieve the advantage of a one-pot system having a long storage life with such a composition.

CONCLUSION

As set forth above, together with the arguments previously submitted, the combination of CA '504 and either WO 00/10964 or WO 98/41524 neither discloses nor suggests the present invention, nor is there a motivation to combine these references with respect to the present invention.

Based on at least the application, amendments and remarks previously submitted, and the remarks herein, Applicants maintain it is not obvious in view of the cited prior art documents, either alone or in combination, to come up with the coating composition according to the present invention.

Applicants request withdrawal of the objections and believe the present application to be in condition for allowance, which action is respectfully requested.

Respectfully submitted,



Joan M. McGillycuddy
Attorney for Applicant(s)
Reg. No. 35,608

Akzo Nobel Inc.
Intellectual Property Department
7 Livingstone Avenue
Dobbs Ferry, NY 10522-3408
Tel No.: (914) 674-5463